

THE LAW OFFICE OF

ELISA HYMAN, P.C.

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MEMO ENDORSED

VIA ECF

Honorable Colleen McMahon, U.S.D.J.

United States District Court - Southern District of New York

500 Pearl St.

New York, New York 10007

5/10/23
Adjourn
Conference
to 5/25 @ 11:30 amRe: *K.C. et al. v. N.Y.C. Dep't of Educ., et al.*, 23-cv-1059 (CM)

Dear Judge McMahon:

Colleen McMahon

I represent the Plaintiffs in the above-referenced case and write jointly with Defendants' counsel to respectfully request a short adjournment of the initial conference currently scheduled for May 11, 2023, and of the submission of the Civil Case Management Plan ("CMP"). ECF No. 7.

Plaintiff K.C. is the mother of A.L., a 12-year-old diagnosed with autism spectrum disorder who requires a highly individualized special education program to receive a free and appropriate public education ("FAPE") as required by the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400 *et seq.* Her mother K.C. filed an impartial hearing request under the IDEA and obtained compensatory education for A.L., as well as an order for reimbursements and payments and for evaluations. Here, K.C. alleges, *inter alia*, that the New York City Department of Education ("DOE"), Chancellor David Banks and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") failed to implement that order, as well as A.L.'s entitlement to stay-put pendency placement during the course of the proceedings pursuant to 20 U.S.C. § 1415(j). Among other things, Plaintiffs seek declaratory and injunctive relief, equitable relief, compensatory education, as well as attorneys' fees for the underlying administrative hearing as well as the instant federal action.

Last week, Defendants' counsel had a sudden medical emergency and is still recovering. Additionally, an attorney in my office had a personal family emergency last week, so I overtook responsibility for her federal cases in her absence.

The parties have started to have initial settlement discussions to determine whether we can try to get this case on a settlement track. For this reason, the parties are respectfully requesting that the initial conference be adjourned to May 25, 2023, or a date thereafter convenient to the Court. The additional time will allow the parties further opportunity to meet and confer and craft a CMP in advance of the conference, and allow us time to determine if there is a need for an initial conference with Your Honor.

This is the parties' first request for an adjournment of the initial conference and extension of time to submit a proposed case management plan. No other deadlines would be affected if the Court grants the parties' request for adjournment and extension of time.

Thank you for Your Honor's consideration of this request.

Respectfully Submitted,
THE LAW OFFICE OF ELISA HYMAN,
P.C.

/s/

By: _____

Elisa Hyman, Esq.,
Counsel for Plaintiffs

cc: David Thayer, Esq., *Counsel for Defendants*, via ECF